

MAY 28 1985

medley
11.9

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tanner Chemical Company
P.O. Box 1967
Furman Hall Court
Greenville, South Carolina 29602

Re: Medley Site
County Road 72 (Burnt Gin Road)
Gaffney, South Carolina

Dear Sir/Madam:

Based upon statements evinced from the operator of the Medley site which specifically implicate your company as a significant contributor of waste substances deposited at the site and based upon the inadequacy of your response to the EPA's previous request for information, EPA must respectfully request that you re-examine all records with respect to transactions with the Medley site to determine whether and to what extent your company is responsible for the chemical or industrial wastes or hazardous substances disposed of at the site. EPA requests that you provide copies of any records discovered regarding your transactions with or disposal at the Medley site.

In light of the aforementioned developments, EPA also asks that you respond to additional questions concerning your activities with regard to Medley and other nearby waste disposal sites. In response to each question we urge you to examine all pertinent records and submit any documents which identify any transactions between the Tanner Chemical Company and the Medley site or other nearby waste sites for the transportation, storage or disposal of chemical or industrial wastes or hazardous substances.

In the event your company is unable to produce any information regarding transactions with the Medley site or is unable, adequately, to respond to the questions posed herein, EPA requests that you provide an affidavit to that effect in order to formalize your compliance with EPA's information request. The affidavit should indicate that a diligent search of all records has been conducted and that all relevant information discovered in that search, if any, is being presented to EPA.

ALVIN R. LENOIR/srw/5-17-85

BENNETT COLE MACFARLANE SMITH DEVINE

[Signature]

5/24

5/29

5/24/85

[Signature]
5/24/85

10295361



The following questions are intended to obtain information from you which will determine whether further action is indicated with respect to your company or other potentially responsible parties. Please be advised that Section 103(d)(2) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §9604(d)(2), imposes criminal sanctions upon any person who knowingly destroys, mutilates, erases, disposes of, conceals, or otherwise renders unavailable or falsifies any records containing information pertinent to the transportation, storage or disposal of hazardous substances.

In accordance with the authority granted EPA by the provisions of Section 104 of CERCLA, 42 U.S.C. §9604, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6927, as amended by the Solid Waste Disposal Act Amendments of 1980 and the Hazardous and Solid Waste Amendments of 1984, you are hereby requested to respond to the following questions and to forward pertinent documents within three (3) weeks from the date of your receipt of this letter:

- 1) Did your company or any authorized agent(s) of your company have any transaction(s) regarding chemical or industrial wastes or waste of any kind which involved either Medley's Concrete Works or Piedmont Industrial Services, Inc., or any other entity(ies) owned or controlled by the above named companies?
- 2) If your answer to Question #1 is "yes", please identify and describe each such transaction, detailing the company(ies) with whom you dealt, giving names of all persons involved.
- 3) Did your company, by written or oral agreement(s) or contract(s), arrange for the disposal, treatment or storage, or arrange with a transportation or trucking company for transport for disposal, treatment or storage of chemical or industrial wastes or hazardous substances or waste of any kind for ultimate disposal at either the Love Springs site or the High Point site? (The Love Springs site was formerly licensed by the State of South Carolina and is located 0.3 miles west of the junction of State Roads 11-42 and 11-49 in Cherokee County. The High Point site is located in western Cherokee County on State Road 11-196 near the High Point Baptist Church, situated on the property of Robert Poole).
- 4) If your answer to Question #3 is "yes", identify the company(ies) or individual(s) or corporation(s) by name and give the month(s) and year(s) such agreement(s) or contract(s) was entered into.

5) With reference to your answer to Question #3 above, indicate whether such contract(s) or agreement(s) was completed or carried out.

6) Specify the current location of any document(s) making reference to or containing the terms of any such written or oral contract(s) or agreement(s) revealed in your response to Question #3. Please provide a copy of each such document.

7) Identify by name, address, and phone number the current custodian of any document(s) referred to in Question #3.

8) Identify by name, address, and phone number the employee(s) or officer(s) of your company who entered into the oral agreement(s) or written agreement(s) or contract(s) mentioned in your response to Question #3.

9) Did your company ever receive confirmation by way of letter(s), receipt(s), manifest(s), or other document(s) from one or more of the individuals or corporations that your wastes were actually disposed of at the Love Springs or High Point sites? Please provide a copy of each such letter, manifest, document or other record of such confirmation(s).

10) If your answer to Question #9 is "yes", identify the company(ies) or individual(s) and indicate the month(s) and year(s) such confirmation was given.

11) Specify the generic name(s) and chemical nature of any chemical or industrial wastes or hazardous substances or waste of any kind pertaining to the agreement(s) or contract(s) identified in your response to Question #3.

12) State the total volume - in terms of number of 55 gallon drums, gallons of liquid, or in cubic meters for solid wastes-which your company had sent to the Love Springs or High Point sites.

13) To the best of your ability and knowledge identify and describe the original contents of the Charles S. Tanner barrel bearing the markings "Lot No. 7545." Was this barrel ever sold, transferred or traded by your company? If so, to who was it sold, transferred or traded? On what date?

14) During the period from 1969 through 1976 did your company produce any latex waste or other waste substances which would have been suitable for disposal at the Love Springs site? Please provide all documents which identify any transaction(s) for the disposal of these latex wastes.

Section 3008 of RCRA, 42 U.S.C. §6928, provides that failure to comply with this request may result in an order requiring compliance or a civil action for appropriate relief. Section 3008 provides for civil penalties for failure to comply. In addition, failure to comply with this request under Section 104 of CERCLA may result in a civil enforcement action being brought against you by EPA.

Due to the seriousness of the problem at this site and the attendant legal ramifications, the Agency strongly encourages you to submit a written response within the time frame specified herein. Your response should be sent to:

Mr. Kirk R. Macfarlane
Assistant Regional Counsel
U.S. Environmental Protection Agency
345 Courtland Street, N.E.
Atlanta, Georgia 30365
(404) 881-2641

Please direct any technical questions that you have to either Mr. Macfarlane or Ms. Bennett of my compliance staff at (404) 881-2930 or 2641.

EPA regulations governing confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations. For any portion of the information submitted which is entitled to confidential treatment, a confidentiality claim may be asserted in accordance with 40 CFR Section 2.203(b). If EPA determines that the information so designated meets the criteria set forth in 40 CFR Section 2.200, the information will be disclosed only to the extent, and by means of the procedures specified in 40 CFR Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with response to this letter as a waiver of that claim, and information may be made available to the public by EPA without further notice.

The factual and legal discussions contained in this letter are intended solely for notification and edification purposes. They are not intended as, do not enunciate, and may not be relied upon as a final Agency position on any matters set forth herein.

- 5 -

We hope that you will give these matters your immediate attention.

Sincerely yours,

/s/ Thomas W. Devine

Thomas W. Devine, Director
Waste Management Division

bcc: Larry Weiner WH-527
Giezelle Bennett - ERKB